

REMARKS

Applicants hereby request further consideration of the application in view of the amendments above and the comments that follow.

Status of the Claims

Claim 23 stands objected to. Claims 1-5, 9, 11-14, 17-18, 37-47 and 51 stand rejected to under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,691,514 Landis (Landis). Claims 6-7, 15-16 and 23 stand rejected to under 35 U.S.C. 103(a) as being unpatentable over Landis in view of U.S. Patent No. 7,003,123 Kanevsky et al. Claims 49-50 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 52-53 stand allowed.

The Objection to Claim 23

Claim 23 has been amended to depend from Claim 12. Claim 12 recites "a processor."

The Rejections under Sections 102 and 103

Claims 11 and 43 have each been amended to further recite "the filtered sound being a representation of natural hearing." Support for the amendments can be found in Applicants' specification at page 4, lines 17-23, for example. The claimed invention provides natural, directional hearing. In particular, the claimed device can provide the wearer of the headgear unit with cues to indicate the directions from which received sounds propagate. By contrast, the Landis device deliberately rejects or filters out sound from directions other than the designated direction (*e.g.*, rearward of the wearer). Thus, Landis deliberately and purposefully accomplishes the opposite of and teaches away from the invention as now claimed.

Accordingly, Claims 11 and 43 are allowable over the cited art for at least the foregoing reasons. Claims 1-9, 12-17, 23, 37-48 and 51 each depend from Claim 11 or Claim 43 and are therefore allowable as well for at least these reasons.

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CONCLUSION

Applicants respectfully submit that this application is now in condition for allowance, which action is requested. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 27, 2008.


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